

will do. So there is no reason for us to do that by not accommodating the ranking member on this committee and setting the schedule with which the minority on that committee are not prepared to be prepared to answer that.

With that, I am happy to yield to my colleague.

Mr. WHITEHOUSE. I appreciate that very much. I thank the Senator from Oklahoma for his courtesy for yielding.

I wanted to make sure the distinguished Senator was not suggesting that when the Senate allowed 26 days between Attorney General Reno's announcement and her nomination hearing, or allowed 25 days between Attorney General Ashcroft's announcement and his nomination hearing, or allowed 30 days between Attorney General Mukasey's announcement and his nomination hearing that the Senate was then underprepared or had not done its job in evaluating, or didn't have enough time to evaluate those candidates. I think they probably did. They appeared to going forward. By comparison, the 39 days—

Mr. COBURN. Reclaiming my time—

Mr. WHITEHOUSE. If I could finish the question—

Mr. COBURN. I suggest we did a poor job with Attorney General Gonzales, that is No. 1. No. 2, I was not here then so I don't know whether we did or did not. Mukasey—the difference that would lie is there is a large red flag on one or two specific actions of this gentleman as he acted as assistant Attorney General. That requires good scrutiny.

I assure my colleague that does not mean, and I think he knows this—I have not made a decision on this gentleman and I will not until we have gone through the hearing process. As I have said to the press, I am generally inclined to think he is very well qualified for this. But the question of judgment will require a lot of research on associated issues that have been outlined here.

So, to me, it is not a game I am playing. I think my colleagues in the Senate know I work very hard to stay informed and up to detail on every issue that is before us. I would say to my colleague, to me, I don't care what the time was ever. What I care about is do we do it right so we do not have a repeat.

I am sure my colleague knows he doesn't want us to have a repeat of making a mistake and not thoroughly vetting someone to the degree we should.

My hope is the Judiciary Committee in the next Congress operates very smoothly, that we stand on the principles that we spoke about as we went through this last year, and that we do not see the process of trying to slow down judicial appointments because it is a partisan issue.

He has my pledge that will never be anything I will pertain to or partici-

pate in. If somebody is qualified and they are this President's nominee and they are qualified after going through the Judiciary Committee and I believe they should be voted on, I intend to vote for them and not hold them up. But I think this is a very different instance. There are two specific problems that have to be very well vetted.

From what we have seen so far, the vast majority and minority have not met Mr. Holder. We are going to be asked to meet with him on the day before the committee hearing so we will not have had the time even after we meet with him to be able to cross-check what we have asked him against what facts we know because we will not have all the facts in, because we will not even have all the records from the Clinton library at that time.

I suggest we ought to start it off in more of a spirit of cooperation. My ranking member is of the learned opinion for the years that he has been here, and he is a proven expert in the law, that we need more time. We hope that request would be honored.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. I wanted, while the Senator from Oklahoma is still on the floor, to let him know I appreciate his concern and I am grateful for his kind words. I would hope the one or two red flags that he has mentioned are not such as to justify necessarily extending the period between nomination and confirmation hearings more than 2 weeks beyond what the Senate gave for other nominees such as Attorney General Thornburgh, Attorney General Barr—almost 2 weeks for Attorney General Reno, 2 weeks longer than for Attorney General Ashcroft, 1 day short of 2 weeks longer than for Attorney General Meese. Some of these people have some red flags too, but the Senate was able to do its job timely and I hope we will do so again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### EXTENSION OF MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that we extend morning business until 7:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I will share a few remarks on the matter before us. I was pleased to support Mr. Holder when he was nominated to be the Deputy Attorney General. He came as a Superior Court Judge in DC, and as a U.S. attorney. I thought he had many of the gifts and graces that would be appropriate for a Clinton deputy. He might not have been my top choice, but I thought he had a good background and I supported that. I have considered him a friend. I tried to

be supportive of him throughout his tenure.

But I have to say there are some problems that are going to have to be dealt with. I went through the very painful process of Attorney General Gonzales and the difficulties he had. It was very painful for me. I am not sure he was treated fairly, to tell you the truth. But it came to a point where I think he concluded, and maybe everybody concluded, it was best for him to step down as Attorney General. He wanted to do the right thing, I believe, but made some errors. It damaged the Department.

I spent 15 years in the Department of Justice. I was an Assistant U.S. attorney for 2½ years and U.S. attorney for 12. That is a pretty long time; the biggest part of my professional career, for sure.

I love the Department of Justice. I believe it is very important that we have leaders committed to following the law regardless of position or power or influence; that the Attorney General should set the example. When I was there they did and there was no doubt about it. We were encouraged to do the right thing. If you took political heat, if you were right, the Attorney General would back you up, no matter what politician might call or what influential contributor or friend might try to intervene. You were expected to do your duty. That is the way I trained my assistants and that is the way I was expected to perform.

So I have no more grim prospect in mind, in the beginning of next year, than to have to go through a contentious hearing for the Attorney General of the United States. As I said, I have had nothing but personal affection for Eric Holder.

I want to make a couple of points. First, I believe Senator SPECTER is justified in asking that this hearing not start so soon. President-elect Obama is not in office. He will not be President. President-elect Obama will not be President at that time. He is talking about starting it on January 8 and that is very early. Members of the committee have sought a bunch of documents. I am not sure they are entitled to all of those documents, but many of them are public record documents that are quite appropriate to be requested. These members have requested those documents and they need to be looked at because there are some questions here that are going to have to be examined.

I note Attorney General Griffin Bell, who is one of the great Attorney Generals ever to serve in this country, serving under President Carter, that his hearings lasted 6 days.

John Ashcroft, a member of the Judiciary Committee, one of our own, and I believe a man of great integrity and commitment to the law, had 4 days and my colleagues on the other side had 23 outside witnesses testify in an effort to try and find something to complain about. Basically, they did not have

anything to say of importance, and he was confirmed.

But a confirmation hearing is not a coronation, particularly when there are questions out there that need to be conducted in the right way. I think, first, that Senator SPECTER is well within propriety and collegiality to ask that we not start this hearing so soon. Second, we need to be sure there is enough time set aside that it can be fairly discussed. And I will not go into the allegations that are out there, but I wish to say that not rushing this nomination through is not some sort of partisan attack, but instead a duty that must be performed.

Let me say that commentators and newspapers across the spectrum have raised questions about the nominee. The Senate has been called upon to do its job and ask the kinds of questions that need to be asked and clear the air on some of these allegations. And I hope Mr. Holder is able to do so.

The New York Times, a strong supporter of President-elect Obama, more and more known to be a liberal newspaper, said this recently:

Mr. Holder . . . must answer serious questions before the Senate votes on his confirmation.

They had an editorial on this subject and seemed to be troubled by the nomination and flatly stated that we should look at that seriously.

The Wall Street Journal said this:

For a politicized Justice Department, none can compare to the Clinton Administration's, and the role that Mr. Holder played in it deserves the fullest airing before he is given the opportunity to return.

To return—he was Deputy Attorney General under President Clinton, the second in command in the Department of Justice.

Richard Cohen from Mr. Holder's hometown paper, the Washington Post. Mr. Cohen, who I think it is fair to say is a liberal columnist, certainly not a conservative, I think probably recognized as a Democrat, had some strong words. This is what Mr. Cohen, a longtime columnist, wrote in the Washington Post:

Holder was involved, passively or not, in just the sort of inside-the-Beltway influence peddling that Barack Obama was elected to end. He is not one of Obama's loathed lobbyists; was merely their instrument—a good man, certainly, who just as certainly did a bad thing. Maybe he deserves an administration job, just not the one he's getting.

Well, in October of last year, before the election and after Attorney General Gonzales was forced to resign because really he did not manage his Department well—I think little has shown that he had a malicious intent, but he was forced to resign, and the chairman and the ranking member, Chairman LEAHY, the Democrat, and the ranking Republican, Senator SPECTER, published a joint op-ed in the Politico newspaper. They made clear that they expected the next nominee to be independent of political influence and loyal to the rule of law, and the Department of Justice personnel.

They said this:

The attorney general must hold everyone, no matter how powerful, accountable to the law. Any nominee must have a visceral commitment to pursuing and achieving justice, and a record of doing just that.

They went on to say:

Finally, the attorney general must be someone who deeply appreciates and respects the work and commitment of the thousands of men and women who work in the branches and divisions of the Department of Justice day in and day out, without regard to politics or ideology, doing their best to enforce the law and promote justice.

Well, I agree with that. So I would hope that in the process going forward, that we do take the time to analyze some of these allegations and dig into why Mr. Cohen, or the New York Times or the Wall Street Journal has expressed serious reservations about this most important nominee.

The Marc Rich pardon—let me tell you why that is troubling to me as a longtime U.S. attorney. Very few people obtain pardons. That is just the way it is. Thousands apply. I have a bunch of them who write me right now, and they want me to help them get their pardon. Little people, who committed small drug crimes; maybe forged a check; maybe did something that violated Federal law in some fashion, are convicted and charged, and they do not get pardons. In fact, the process is set up with a pardon attorney. They have to complete their time in prison, they have to complete their parole, and only after a period of time of good behavior, only after that does a pardon attorney even consider their application for a pardon. But the President of the United States is constitutionally empowered.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. So the President is constitutionally empowered to do the pardon.

So in the instance of Marc Rich, this was a major fraud case. He was indicted—one of the largest fraud cases in the country. He was a fugitive. He never reported and answered the indictment against him, as I understand. He was a fugitive, at least, and did not come and show up for trial. For some reason, over the strong objections of the prosecutor involved in the case, the President of the United States, with a positive recommendation from then-Deputy Attorney General Holder, granted that pardon. Of course, we know that through some method, Marc Rich—he, or people close to him, had been a very substantial contributor to matters of importance to the Clintons, to President Clinton personally. It was not a good deal. That was not a good deal. It was wrong. And every little person who has asked for a pardon and did not get it and deserved it 99 times more than Marc Rich did has a right to

be offended. The rule of law and the respect for the Department of Justice was definitely lowered by that act. I wish Deputy Attorney General Holder had done the right thing, which was tell President Clinton: President Clinton, you cannot do this, and if you do this, my resignation will be on your desk. I cannot serve in an administration that would issue this pardon.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. I do not know Eric Holder, whom President-elect Barack Obama has nominated to serve as our next Attorney General. I had an interesting conversation with one of the topmost senior people within the Department of Justice, serving in the current administration, who described the nomination as "a brilliant choice." So we will find out whether it was.

Before I came here, I served for 8 years as Governor. At one time, I was State treasurer, as my colleague, the Presiding Officer, was, both treasurer and insurance commissioner for the State of Florida. I served on the Board of Pardons as State treasurer for 6 years and then later on as Governor for another 8 years to consider the recommendations of the Board of Pardons as to whether people should have a sentence commuted or whether they should be pardoned for some crime they had committed. I always got advice from our legal counsel, got advice from the Board of Pardons itself, but in the end the buck stopped with me as the Governor, and I made the decision. Whether it was well received or not, I never blamed my counsel for the advice he or she had given me. At the end of the day, I think that is probably the case at the Federal level as well.

But we look forward to receiving the nomination and having a full hearing, a fair hearing so that this nominee can defend himself, present his case and his credentials to us. I hope what the senior Department of Justice official said to me about this nomination, that it was a brilliant choice, will indeed prove to be the case.

#### AUTOMOBILE INDUSTRY LOAN

Mr. CARPER. Mr. President, what I want to do is take the next 8 or 9 minutes to talk about the issue we are waiting for, waiting to address here hopefully later this evening, and the issue is whether we are going to provide—not a grant, not a gift, not a bailout to two auto companies, GM and Chrysler, but whether we are going to provide them a loan.

Some of you recall 28 years ago when Chrysler was in difficult straits and their CEO, Lee Iacocca, called on the Federal Government to provide a loan. We did not do that; we provided a loan guarantee. Chrysler made a lot of changes within the company to reduce their costs, to make them a low-cost provider of vehicles, and they came back to health. The loan was repaid. Federal taxpayers actually made